

REMARKS

This paper is responsive to the Notice of Abandonment mailed May 31, 2006, and to the non-final Office Action mailed October 20, 2005. The Office Action mailed October 20, 2005, incorrectly indicates it as being a “final” Office Action. During a telephonic interview on February 15, 2006, with the Applicants’ representative, the Examiner confirmed that the Office Action mailed October 20, 2005, should have been a “non-final” Office Action and not a “final” Office Action.

Beginning on page 2 of the Office Action dated October 20, 2005, the “Claim Rejections” are indicated as having been made under 35 USC § 103. During the telephonic interview on February 15, 2006, with the Applicants’ representative, the Examiner confirmed that these “Claim Rejections” beginning on page 2 should have been made under 35 USC § 102 and not under 35 USC § 103.

Claims 3-5, 9-11, 14 and 18-32 are pending in this application and stand rejected. Claims 1, 2, 7, 8, 12, 13, and 15-17 were previously cancelled by the Applicants.

No new matter has been added by this amendment.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 18, 3-6, 9-11, 14, 20-22, 28, and 30-31 were rejected under 35 U.S.C. § 102 as being unpatentable over Catelas (Patent No. FR 2557441 A1) in view of Lin (U.S. Patent Application Publication No. 2004/0232756 A1).

The Examiner states that Catelas teaches the structure as claimed by the Applicants but it is not clear if reference number 18 in Catelas is a seal along a top portion, bottom portion, the left side portion and the right side portion. The Examiner also states that Lin teaches a fluid containing cushion, wherein said fluid containing cushion has a lower region and an upper region (FIG. 4 and paragraph [0024]), and comprises one or more substantially vertical channels extending between the lower region and the upper region.

Independent claims 18 and 30 have been amended to recite, in part, “...a rear support including a lumbar region defined by a curvature in the rear support, wherein the curvature conforms generally to a user’s lumbar region;”

Support for this amendment can be found in the specification, as previously amended, at paragraph [0020], second sentence. As such, the lumbar region on the rear support of the chair back conforms generally to the curvature of the user's lumbar region.

Catelas teaches a back portion having planar reinforcement plate 5 and planar stiffening back plate 8. Neither reinforcement plate 5 nor stiffening back plate 8 include a lumbar region. The backrest taught by Lin is merely a fluid containing cushion which does not include any lumbar support and further does not include a plate for rear support. Lin does not illustrate a lumbar support and/or a plate in FIG. 4, and furthermore does not describe any such components or regions in the specification at column paragraph [0024]. With respect to the backrest pad 21, Lin teaches two lateral areas neighboring the waist leaning section 212 having "two slightly raised protruding portions 213 made according to human engineering so that the baby can be cozier in seating." As can be seen, the raised protruding portions provide some support to the waist at its sides. As with Catelas, Lin also does not teach a rear support having a lumbar region conforming generally to the curvature of the user's lumbar region.

Therefore, Catelas and/or Lin either singularly or in combination do not teach a rear support having a lumbar region conforming generally to the curvature of the user's lumbar region. In view thereof, independent claims 18 and 30 in their amended form are patentable over Catelas in view of Lin and are therefore allowable.

Accordingly, Applicants believe dependent claims 3-6, 9-11, 14, 20-22, 28, and 31 are also patentable over Catelas in view of Lin at least for the reason that each claim directly or indirectly depends from an allowable base claim.

Claims 20 and 24-26 were rejected as being unpatentable over Catelas in view of Lin as applied to claims 18, 21 and 22, and further in view of Linder (U.S. Patent No. 6,135,551). The Examiner states it would have been obvious to modify the cushion as taught by Catelas in view of Lin to include seams that are straight and vertically extending as taught by Linder. Claim 23 was rejected as being unpatentable over Catelas in view of Lin as applied to claims 18, 21 and 22, and further in view of Jay (U.S. Patent No. 5,369,829). The Examiner states it would have been obvious to modify the cushion as taught by Catelas in view of Lin to include seams with enlarged areas 36 and 39 as taught by Jay. Claims 29 and 32 were rejected as being unpatentable over Catelas in view of Lin as applied to claims 18, 21 and 22, and further in view of Herring

(U.S. Patent No. 5,634,685) and Chew et al. (U.S. Patent No. 6,241,320 B1). The Examiner states it would have been obvious to modify the cushion as taught by Catelas in view of Lin to include a fluid filled cushion comprising multiple layers as taught by Herring and Chew et al.

As discussed in the foregoing, Catelas and/or Lin either singularly or in combination do not teach a rear support having a lumbar region conforming generally to the curvature of the user's lumbar region. Furthermore, the straight and vertically extending seams taught by Linder do not define a rear support with a lumbar region. Similarly, seams with enlarged areas 36 and 39 taught by Jay also do not define a rear support with a lumbar region. Again, the fluid filled cushion comprising multiple layers as taught by Herring and Chew et al. does not define a rear support with a lumbar region.

Dependent claims 20 and 24-26, which incorporate all the elements of the base claims from which they depend, also include a rear support with a lumbar region conforming generally to the curvature of the user's lumbar region. Claims 20 and 24-26 are therefore patentable over Catelas in view of Lin and further in view of Linder. Similarly, claim 23 is also patentable over Catelas in view of Lin and further in view of Jay. And, claims 29 and 32 are also patentable over Catelas in view of Lin and further in view of Herring and Chew et al.

Notwithstanding the foregoing, claims 20, 23-26, 29 and 32 are allowable at least for the reason that each depends directly or indirectly from an allowable base claim.

The first paragraph on page 6 of the Office action, beginning with “. through a range of motion...” appears to be incomplete, and is therefore incomprehensible. Applicants request a correction thereto.

Claims 18, 4-9, and 11-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Catelas (Patent No. FR 2557441 A1).

As discussed in the foregoing, Catelas does not teach a rear support having a lumbar region conforming generally to the curvature of the user's lumbar region. Therefore, there are no grounds for anticipation, and rejection, under 35 U.S.C. § 102(b).

Therefore, independent claim 18, as amended, is patentable over Catelas. Accordingly, claims 4-9 and 11-17 also are not anticipated by Catelas, and are therefore allowable, at least for the reason that they depend directly or indirectly depend from an allowable base claim.

In view of the foregoing, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 is respectfully solicited.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 2, 3, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Catelas in view of Parish (U.S. Patent No. 5,556,169) and Lin (U.S. Patent Application Publication No. 2004/0232756 A1). The Examiner states it would have been obvious to modify the cushion, as taught by Catelas, to include two layers of film sealed together about their peripheries, that the cushion is hermetically sealed, and said seal is formed by a method selected from the group consisting of heat sealing, ultrasonic sealing, RF sealing, and adhesive, since such methods are proven to be old, reliable sources of properly creating compartments within a fluid-filled cushion.

Applicants respectfully remind the Examiner that claim 2 was previously cancelled. Claims 3 and 10 depend from independent claim 18 and therefore incorporate all the elements of the base claim. Independent claim 18 has been amended to recite, in part, "...a rear support including a lumbar region defined by a curvature in the rear support, wherein the curvature conforms generally to a user's lumbar region;"

As discussed in the foregoing, Catelas teaches a back portion having planar reinforcement plate 5 and planar stiffening back plate 8. Neither reinforcement plate 5 nor stiffening back plate 8 include a lumbar region. Therefore, Catelas does not teach a rear support having a lumbar region conforming generally to the curvature of the user's lumbar region. As with Catelas, neither Parish nor Lin teach a rear support with a lumbar region.

Notwithstanding the reasons cited by the Examiner for the rejection under 35 U.S.C. § 103(a), and as discussed in the foregoing, independent claim 18 as amended recites a rear support having a lumbar region curved to generally conform to a user's lumbar region. Therefore, claims 3 and 10, each of which claim depends directly or indirectly from independent claim 18 is patentable over Catelas in view of Parish and Lin at least for the reason that each claim depends from an allowable base claim.

Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully solicited.

CONCLUSIONS

Upon entry of this paper, claims 3-6, 9-11, 14 and 18-32 will remain pending. These pending claims are considered in condition for allowance. Reconsideration and withdrawal of the rejections, and prompt passage of the application to allowance is respectfully solicited.

Respectfully Submitted,

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Dated: January 9, 2008